



## THE UMEED (WAQF) ACT, 2025: REFORMING WAQF GOVERNANCE FOR SOCIAL JUSTICE AND DEVELOPMENT IN INDIA

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### ABSTRACT

*The Waqf (Amendment) Act, 2025, is also referred to as the Unified Waqf Management, Empowerment, Efficiency, and Development (UMEED) Act. The Act represents a watershed development in the regulation of Islamic charitable endowments in India. This article goes to the roots of the legal and constitutional underpinnings of the Act, presenting a critical examination of its provisions in terms of social justice, gender equality, transparency, and development. Through statutory interpretation, constitutional law, and actual case studies, the article analyses whether the Act successfully reconciles state control and religious autonomy and if the reforms of the Act can realise the potential of waqf assets while safeguarding minority rights. The discussion concludes with recommendations on how to make the Act effective and constitutionally valid.<sup>1</sup>*

**Keywords:** Waqf Amendment Act 2025, Religious Autonomy, Gender Justice, State Intervention, Socio-Economic Development.

### INTRODUCTION

Waqf, an Islamic institution for charitable endowments, has existed as a pillar of India's religious, social, and economic life for centuries. Historically, waqf properties have played a significant role in funding mosques, educational institutions, healthcare, and other welfare activities. Nonetheless, the administration of waqf properties has long suffered from problems such as mismanagement, encroachment, non-transparency, and marginalisation of some groups of people, most notably women. The Waqf Act of 1995 and its subsequent

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<sup>1</sup> Waqf Amendment Act 2025, Origin, Structure, Key Changes, Criticism (vajiramandravi.com, 7 June 2025) <https://vajiramandravi.com/upsc-exam/waqf-amendment-act-2025/?utm> accessed on 18 June 2025

amendments aimed to tackle some of these challenges, but many issues persisted.<sup>2</sup> The Waqf (Amendment) Act, 2025—since renamed the UMEED Act—is the most substantive reform hitherto. It came into effect in reaction to increasing public opprobrium and judicial criticism, to streamline waqf administration, enhance transparency, and ensure that waqf properties are used for their stated charitable objectives.<sup>3</sup> The article examines critically the Act's legal and constitutional underpinnings and its socio-economic consequences.

## LEGAL ANALYSIS

### Abolition of 'Waqf by Users' –

**Background:** The concept of 'waqf by user' permitted properties to be declared as waqf on the strength of their long-term religious usage, even in the absence of any written records. This caused a great deal of controversy, claims in retrospect, and confusion among private and tribal landowners. In many high-profile cases, such as the Allahabad High Court's intervention in a controversial mosque land dispute, the ambiguity in 'user' claims led to protracted legal encounters and social tension.<sup>4</sup>

**Amendment:** The 2025 Act puts an end to 'waqf by user', now requiring clear and documented proof for a property to be recognised as waqf. Only properties with explicit waqf deeds can be officially registered as waqf.<sup>5</sup>

### Analysis –

**Legal Certainty:** This change boosts legal certainty and safeguards property rights by stopping arbitrary or retrospective waqf claims.<sup>6</sup>

**Reduction in Litigation:** It's anticipated to reduce the number of legal cases over waqf status, which should ease the burden on the courts.

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<sup>2</sup> The Waqf (Amendment) Act, 2025, Ministry of Minority Affairs, [https://www.minorityaffairs.gov.in/show\\_content.php?lang=1&level=2&ls\\_id=936&lid=1163&utm](https://www.minorityaffairs.gov.in/show_content.php?lang=1&level=2&ls_id=936&lid=1163&utm) accessed on 18 June 2025

<sup>3</sup> The Waqf (Amendment) Bill, 2025 Explained - PIB <https://www.pib.gov.in/FaqDetails.aspx?NoteId=154100&ModuleId=4&utm> accessed on 18 June 2025

<sup>4</sup> Constitutionality of the Waqf (Amendment) Act, 2025 (scobserver.in) <https://www.scobserver.in/cases/constitutionality-of-the-waqf-amendment-act-2025-asaduddin-owaisi-v-union-of-india/?utm> accessed on 18 June 2025

<sup>5</sup> Waqf Amendment Act 2025, Origin, Structure, Key Changes, Criticism (n 1)

<sup>6</sup> Key Highlights of the Unified Waqf Management Act 2025 (hammurabisolomon.in) <https://www.hammurabisolomon.in/post/towards-a-reimagined-waqf-framework-key-highlights-of-the-unified-waqf-management-act-2025?utm> accessed on 18 June 2025

**Protection of Vulnerable Groups:** Tribal and rural people, who tend to suffer from 'user' claims, will enjoy better protection of their ancestral lands.

### **Digitisation and Record-Keeping Mandate –**

The Act requires complete digitisation of waqf records and the creation of an electronic portal at the centre.<sup>7</sup>

**Transparency:** Waqf records are made available to the public through digitisation, which lowers opportunities for corruption and illegal deals.

**Accountability:** Monitoring in real-time gives authorities and stakeholders access to waqf assets and their utilisation.

**Efficiency:** Digital records accelerate the resolution of disputes and streamline procedures.

**Case Study:** In Karnataka, the digitisation of waqf records has resulted in the recovery and identification of more than 1,200 encroached properties, demonstrating how technology can revolutionise waqf administration.<sup>8</sup>

## **FINANCIAL AND ADMINISTRATIVE REFORMS**

### **Major Provisions –**

- The 7% mandatory contribution of waqf institutions to the waqf board has been slashed to 5%.
- Waqf institutions with a turnover of over ₹1 lakh are now subject to obligatory audits.
- Harsher penalties have been proposed for mismanagement, corruption, and unauthorised transfers.<sup>9</sup>

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<sup>7</sup> Ibid

<sup>8</sup> Waqf Amendment Act 2025, Origin, Structure, Key Changes, Criticism (n 1)

<sup>9</sup> The Waqf (Amendment) Act, 2025 - Wikipedia

[https://en.m.wikipedia.org/wiki/The\\_Waqf\\_\(Amendment\)\\_Act,\\_2025?utm](https://en.m.wikipedia.org/wiki/The_Waqf_(Amendment)_Act,_2025?utm) accessed on 18 June 2025

**Analysis:**

- **Optimisation of Resources:** Reduced contribution rates enable more money to be spent on charitable and developmental purposes.
- **Discipline in Finance:** Forcing audits ensures waqf funds are utilised appropriately and facilitates early detection of mismanagement.
- **Increased Trust:** Open books can assist in restoring community trust in waqf institutions.

**Dispute Resolution and Judicial Oversight Provisions:**

- Waqf courts now possess the jurisdiction of civil courts.
- Proceedings for resolving disputes are now time-bound under the Limitation Act.
- There can be appeals to the High Courts.<sup>10</sup>

**Analysis –**

**Rationalised Justice:** These amendments try to expedite the adjudication of waqf disputes, which have previously been marred by delays.

**Access to Justice:** Explicit appellate procedures and specified timelines enhance access to justice for all concerned parties.

**Legal Strength:** Extending the powers of civil courts to tribunals makes their authority and the enforceability of their orders stronger.

**Board Composition and Inclusivity Provisions:**

- Women, backwards class members, and two non-Muslim professionals at least are now required to be included on State and Central Waqf Boards.
- Waqf boards may be segregated for Sunni, Shia, Bohra, and Agakhani sects if their income or assets are more than 15% of the overall income in a state.<sup>11</sup>

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<sup>10</sup> The Waqf (Amendment) Bill, 2025 Explained - PIB (n 3)

<sup>11</sup> The Waqf (Amendment) Act, 2025 - Wikipedia (n 9)

## Analysis

**Democratisation:** Democratizing waqf management through this approach makes governance more inclusive, minimises elite capture, and ensures decision-making involvement by a wider section of the community, including women and minorities.

**Community Trust:** Increased representation should build greater public trust and lower perceptions of elite or sectarian dominance.<sup>12</sup>

## CONSTITUTIONAL ANALYSIS

### Secularism, Equality, and Social Justice –

**Secular Approach:** The Act strictly confines itself to secular aspects—management of records, procedural changes, and administrative control—without intruding upon religious matters.<sup>13</sup>

**Equality and Non-Discrimination:** By providing for representation from different communities and accommodating non-Muslims, the Act reaffirms the constitutional principles of equality (Articles 14, 15, 16) and non-discrimination.

**Social Justice:** The emphasis on the empowerment of the marginalised sections, particularly women and the backwards classes, is consistent with the Directive Principles of State Policy (Articles 38, 46).

**Analysis:** The secular and pluralistic stance of the Act is constitutionally valid because it aims to make waqf properties regulated in a fashion aligned with equality and social justice principles.<sup>14</sup> By emphasising regulation as compared to religious teaching, the Act neither encroaches upon religious freedoms nor denies public accountability.

### Minority Rights and Religious Autonomy –

**Autonomy vs. Oversight:** The critics contend that the greater control of government and the representation of non-Muslims in waqf boards deprive the community of its rightful

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<sup>12</sup> Key Highlights of the Unified Waqf Management Act 2025 (n 6)

<sup>13</sup> The Waqf (Amendment) Act, 2025 - Wikipedia (n 9)

<sup>14</sup> Constitutionality of the Waqf (Amendment) Act, 2025 (n 4)

autonomy over its religious affairs (Articles 25, 26, 29). The elimination of 'waqf by user' also represents an abridgement of the old religious tradition.

The Act has been put under judicial review in the Supreme Court, with petitioners arguing that it infringes on the liberty of religious denominations to control their affairs.<sup>15</sup>

**Government's Position:** The Union government argues that the Act only addresses secular elements of waqf management and does not encroach upon religious practices or beliefs.<sup>16</sup>

The debate in the constitution is about the reconciliation between regulatory control in the public interest and religious communities' freedom. While the Act enhances accountability and transparency, it should ensure these ends do not excessively infringe constitutionally guaranteed religious freedoms.

## FEDERALISM AND STATE AUTONOMY

**State vs. Central Powers:** Administration of waqf is a state subject, but the Act brings about a centralised online portal and standardised standards for the management of waqf.

**Implementation:** State waqf boards have operational autonomy, but are subject to national standards of transparency and participation.

**Analysis:** The Act strikes a balance between federal ideals and the necessity for consistency in managing waqf. Central control is restricted to ensuring best practices, and the state has substantial powers of implementation.<sup>17</sup>

## SOCIO-ECONOMIC AND DEVELOPMENTAL ANALYSIS

### Empowerment of Marginalised Groups

#### Muslim Women –

**Increased Representation:** The Act encourages more women to become part of waqf boards, which is a huge thing in an industry that's traditionally been male-dominated.<sup>18</sup>

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<sup>15</sup> Ibid

<sup>16</sup> The Waqf (Amendment) Bill, 2025 Explained - PIB (n 3)

<sup>17</sup> Key Highlights of the Unified Waqf Management Act 2025 (n 6)

<sup>18</sup> The Waqf (Amendment) Act, 2025 - Wikipedia (n 9)

**Targeted Welfare Schemes:** There are schemes such as scholarships for Muslim women, vocational training, legal aid for inheritance and domestic violence matters, and self-help groups for widows and divorcees.

**Analysis:** These measures not only increase representation but also truly empower women, making waqf administration more inclusive and responsive to the needs of Muslim women. This fits in well with the greater aims of gender justice and empowering the community.

### **Backwards Classes and Non-Muslims –**

**Board Inclusion:** By mandating the representation of backwards classes and non-Muslim professionals, the Act makes waqf administration reflective of the rich diversity of Indian society.<sup>19</sup>

**Community Trust:** More representative is likely to engender greater public trust and diminish perceptions of sectarian or elitist control.

**Analysis:** Inclusive governance isn't a matter of paying lip service—there are very real consequences for accountability, transparency, and guaranteeing waqf resources are equitably dispensed.

## **SOCIAL WELFARE AND DEVELOPMENT**

### **Healthcare**

**Utilisation of Waqf Funds:** The Act allows waqf boards to use their funds to establish clinics, hospitals, and medical aid schemes, particularly in underserved areas.<sup>20</sup>

**Analysis:** Improved health access has the potential to revolutionise the lives of marginalised communities, bridging gaps and improving overall welfare.

### **Education**

**Infrastructure and Scholarships:** Waqf resources can be utilised in establishing schools, providing scholarships, and funding vocational training institutions.<sup>21</sup>

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<sup>19</sup> Key Highlights of the Unified Waqf Management Act 2025 (n 6)

<sup>20</sup> Waqf Amendment Act 2025, Origin, Structure, Key Changes, Criticism (n 1)

<sup>21</sup> The Waqf (Amendment) Act, 2025 - Wikipedia (n 9)

**Analysis:** Education is also an important driver of social mobility and economic development. Through concentrating on educational activities, the Act is investing for the long term in empowering disadvantaged communities.

### **Affordable Housing**

**Property Utilisation:** Waqf properties may be utilised for low-income housing schemes and shelters to offer necessary assistance to needy individuals.

**Analysis:** Low-cost housing is an essential solution to one of the largest problems confronted by the disadvantaged, and it can do much to promote health, education, and economic security.

### **Economic Self-Sufficiency**

**Microfinance and Skill Development:** The Act encourages initiatives in microfinance, entrepreneurship, and skill development schemes. Economic self-sufficiency is essential in creating community resilience and reducing dependency on external support.

## **TRANSPARENCY AND ACCOUNTABILITY**

### **Digitization**

**Centralised Records:** Digitisation makes waqf records transparent, accessible, and tamper-proof.

**Public Monitoring:** Stakeholders can monitor waqf assets and utilisation, which reduces corruption.<sup>22</sup> Transparency is the essence of good governance. Digital records increase accountability and responsiveness in waqf administration.

### **Oversight and Audits**

**Regular Audits:** Compulsory and periodic audits prevent mismanagement and ensure that waqf funds are utilised for the specific purpose.

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<sup>22</sup> Key Highlights of the Unified Waqf Management Act 2025 (n 6)



**Harsher Penalties:** Stiff sanctions for corruption and illicit transactions are a good deterrent. Effective monitoring is important for restoring community confidence and long-term sustainability of waqf institutions.

## CASE STUDIES

**Karnataka Digitisation and Asset Recovery:** In 2023, the Karnataka Waqf Board initiated a digitisation program that helped discover and recover more than 1,200 encroached waqf properties. By leasing waqf land openly for schools and hospitals, they increased revenue and social welfare, which is an excellent model for other states.<sup>23</sup>

**West Bengal Women's Inheritance Rights:** A major case in West Bengal was that of a widow who was refused her due portion of a family waqf. Due to the new Act, requiring disposition of inheritance matters before property dedication, she successfully claimed her share, opening the doors to gender justice in waqf management.<sup>24</sup>

**Maharashtra Tribunal Reforms:** In Maharashtra, waqf cases would take years to resolve. The change to a new tribunal framework, with a clear-cut appeals mechanism, has increased the pace of resolution and brought higher legal certainty. Due to this, the mean time to solve waqf cases fell by a significant 40% just during the first year of being implemented.<sup>25</sup>

## CHALLENGES AND CRITICISMS

### Implementation Hurdles

**Resource Constraints:** Many waqf boards are struggling with a lack of the technical and financial resources necessary for quick digitisation and effective enforcement.

**Training Needs:** New board members, particularly women and non-Muslims, might need some orientation and skill-building to get up to speed.

**Resistance to Change:** Some entrenched interests may push back against reforms that could threaten their control or reveal past mismanagement.

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<sup>23</sup> Waqf Amendment Act 2025, Origin, Structure, Key Changes, Criticism (n 1)

<sup>24</sup> Key Highlights of the Unified Waqf Management Act 2025 (n 6)

<sup>25</sup> The Waqf (Amendment) Bill, 2025 Explained - PIB (n 3)

## LEGAL AND CONSTITUTIONAL CHALLENGES

**Religious Autonomy:** Critics are concerned that the Act encroaches on the Muslim community's right to manage its religious affairs, especially with the inclusion of non-Muslim members and the elimination of 'waqf by user'.<sup>26</sup>

**Judicial Review:** The Supreme Court is currently reviewing petitions that challenge the constitutionality of the Act, particularly regarding its implications for Articles 25, 26, and 29.<sup>27</sup>

### Community Concerns and Political Opposition

**Consultation and Legitimacy:** The Act has faced criticism for not adequately consulting with Muslim stakeholders, which raises questions about its legitimacy and acceptance.

**Political Polarisation:** The discussion surrounding the Act has become highly politicised, with some viewing it as an effort to undermine Muslim autonomy or reduce the community to "second-class citizens".<sup>28</sup>

## RECOMMENDATIONS

**Stakeholder Engagement:** It's crucial to maintain ongoing dialogue with Muslim community leaders, waqf beneficiaries, and civil society organisations to foster consensus and legitimacy.

**Capacity Building:** Investing in training and infrastructure for waqf boards, particularly in areas like digitisation and financial management, is vital for effective implementation.

**Legal Safeguards:** The Act should undergo regular reviews to ensure that regulatory oversight does not infringe on the rights of the community.

**Monitoring and Evaluation:** It's essential to set up independent monitoring bodies that can evaluate the impact of the Act and suggest any necessary adjustments along the way.

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<sup>26</sup> Constitutionality of the Waqf (Amendment) Act, 2025 (n 4)

<sup>27</sup> The Waqf (Amendment) Act, 2025 - Wikipedia (n 9)

<sup>28</sup> Constitutionality of the Waqf (Amendment) Act, 2025 (n 4)

## CONCLUSION

The Waqf (Amendment) Act, 2025, represents a significant and much-needed reform aimed at modernising waqf governance in India. By promoting transparency, accountability, and inclusivity, this Act aligns waqf administration with the core constitutional values of equality, secularism, and social justice. Its socio-economic initiatives hold the promise of turning waqf properties into powerful tools for community development, especially for marginalised groups like Muslim women. However, the Act does face considerable hurdles—legal, administrative, and political—that need to be tackled through ongoing investment, capacity-building, and active engagement with stakeholders. The current judicial review will be crucial in determining the future of waqf governance in India. If implemented thoughtfully and with an awareness of community needs, this Act could truly transform waqf properties into catalysts for inclusive growth and social justice.<sup>29</sup>

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<sup>29</sup> Waqf Amendment Act 2025, Origin, Structure, Key Changes, Criticism (n 1); Constitutionality of the Waqf (Amendment) Act, 2025 (n 4)